

REMARKS

Applicant has carefully reviewed the Office Action dated May 27, 2005. Claims 1-20 are pending in this application. Reconsideration and favorable action is respectfully requested.

Claims 1-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Mayer* and *Ludwig*. This rejection is respectfully traversed.

The Examiner has substantially reiterated the rejection with respect to the independent claim from the prior rejection. However, Applicant will specifically go through that in detail.

The first element of the claim, element A, was discussed by the Examiner. It is set forth as follows:

a) transmitting a beacon signal from a beacon unit disposed at a first geographic location, the beacon signal including components indicative of a first code and of a second code, the first code being associated with a remote location on a computer network and the second code being associated with an attribute of the beacon unit;

This element (a) is directed toward the disclosure of Figs. 25 and 26 of the current application. The beacon in the claim is directed toward the device (2502) that is operable to transmit first and second codes to a beacon receiver in the vehicle. This beacon receiver is set forth in Fig. 26. It is disposed in association with the wireless device. Therefore, there must be a beacon signal transmitted from the beacon unit that is disposed at a first geographical location, the location of the sign (2522). This signal must include components of the first and second codes. The first code is defined as being associated with a remote location on the computer network and the second code is associated with an "attribute" of the beacon unit. The first code is that associated with the look-up table in the relational database at the intermediate location. Examples of the second codes are the geographical location, a serial number of the beacon unit or a type descriptor characterizing the type of beacon unit.

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With reference to Fig. 1 of the *Mayer* reference, the beacon signal can only be interpreted as the signal from the antenna associated with the station (123). This is received at a television. What is sent in this broadcast is the telephone number of a network broadcast station, i.e., some telephone number that a user is to call. This is not the telephone number of a destination but, rather, merely a telephone number that is to be called. Once this telephone number is called, it basically contacts the intermediate node, the IXC network (150). This intermediate network is associated with, for example, an 800 number. There is no reason that this exact number could not be transmitted to many, many stations around the country. The way this is identified is described with respect to Fig. 2. In the first column of Fig. 2, there is set forth a caller ID. When the caller calls the network, the caller ID is recognized and it is this recognition that determines where the broadcast occurred, i.e., it basically is the location of the listener and, subsequently, the broadcast. Of course, this assumes that the listener is on a "wired" line, which may have been the case in the time frame of this application. However, current technology would not require such, as the caller ID could be that of a mobile telephone number, which could be calling from anywhere in the country. The concept is that the caller ID would be in the locale of the transmitting station (123) and, therefore, they would have an indication of the location of that user. Combining this with a time that they received the call and the time that the broadcast was sent, a destination number can be determined. This is determined in the routing database (155). Once determined, the user will be connected to the transaction processing center, at node (130). This will then forward them to the appropriate advertiser that was noted in the advertising database. Of course, it is the destination phone number that is provided in the routing database that will route the user to the transaction processing center which will take this phone number and route the user to the appropriate location. This is nothing more than a call distribution center. The Examiner has indicated that the disclosure of Col. 2, lines 12-21 illustrates the concept of transmitting a beacon signal from a beacon unit at a first geographic location which includes a first code and a second code. This particular language merely indicates that a product or service offered by a particular advertiser may be displayed on a TV program or mentioned in a radio program, which would prompt a listener to dial the "broadcast network's telephone number" in response to the receipt of the advertising in the broadcast. This would initiate a transaction. The routing is based upon context, such that it can be routed to a specific terminating telephone number for the transaction processor. Thus, there is no disclosure that this

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beacon signal contains the first code or any code that would be contained in a routing database that could be utilized to look up a terminating number. All that is contained is a network's telephone number, which is merely used to call the center. It is the recognition of the caller ID (and not the network telephone number) that causes the relationship to be determined. This caller ID is not transmitted in the beacon signal. The network telephone number does not, as set forth in the description of *Mayer*, have an association with the remote location. In fact, the telephone number is actually an 800 number, which can be dialed from anywhere. Therefore, it has no geographic significance, even though that in and of itself would be of no use. The reason for this is that the telephone number is nothing more than a means to relay the caller ID information of the caller to the processing center. As such, Applicant believes that the limitations of element (a) are not met by the description set forth in *Mayer* at Col. 2, lines 12-21.

The second element of that claim, the element (b) is set forth as follows:

b) receiving the beacon signal using a beacon signal receiver circuit disposed in association with a wireless device at a second geographic location, and extracting from the received beacon signal the first code and the second code;

The Examiner has referred to the description at Col. 7, lines 55-64 as providing support for such limitation. This element (b) is with directed towards the beacon signal receiver circuit that is disposed with the wireless device in a "second" geographic location. This is the wireless device that is disposed in the automobile and is described in Fig. 26. The purpose of this beacon signal receiving circuit is to extract the first and second code from the beacon signal.

The description at Col. 7, lines 55-64 in *Mayer* is directed towards the look-up table in Fig. 2. This look-up table is disposed (referring to Fig. 1) at the routing database (155). The routing network (150) is operable to obtain the information based upon the caller ID from the routing database and then route the call to the advertiser's transaction processing center (130). The Examiner is referring to Fig. 2 and the description at Col. 7, lines 55-64, to illustrate that the announcement that is provided to a user has at least one piece of

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information therein, the network telephone number, for example, 1-800-CALL-ADC, during a specific amount of time. If this phone number could be argued to be one piece of information, i.e., the first code, there is still the aspect of extracting "from" the beacon signal the second code information. There is no such extraction disclosed in *Mayer*. Rather, all that is disclosed is a look-up operation based upon the Caller ID, wherein the television station associated with a particular advertisement is associated with Column 220, the caller ID information. The only purpose for this relationship is for administration purposes and possibly for resolving some ambiguities. However, this information is associated with the ID of the incoming call from the user that initiated the call rather than from the beacon signal itself. There is nothing in Fig. 2, i.e., look-up table, that is extracted from the beacon unit. Therefore, Applicant does not believe that the limitations of element (b) in the claims are disclosed or even suggested by the particular language that the Examiner has pointed out at Col. 7, lines 55-64.

The Examiner has discussed the next element of the claim, element (c), which is set forth as follows:

c) automatically sending, in response to receiving the beacon signal and without user intervention, control signals indicative of the first code and the second code from the beacon signal receiver circuit to the wireless device;

The Examiner has referred to the specification at Col. 6, lines 37-57 and Col. 5, lines 3-10, as at least suggesting this limitation. This limitation is directed toward the operation of activating the wireless device which is disposed in association with the beacon receiver to cause the wireless device to be activated. However, there must be a wireless device and there must be some control signal for the which would have information indicative of the first code and the second code. In Col. 6, lines 37-57 *Mayer* is referring to the look-up table of Fig. 2. This language is as follows:

In the record of FIG. 2, each separate line in the routing table generally relates to a specific televised advertisement that may be broadcast by a television station affiliated with the broadcast network to which the record pertains. Each column (field) in the routing table contains information that, in essence, defines or identifies the advertisement, the context in which the

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advertisement is broadcast, and the telephone number to which calls responding to the advertisement may be placed. Supplemental or descriptive information may be included in some fields, and may be provided for the purposes of administration rather than for use as a determinant with respect to "context". Thus, in column 224, information identifying the advertisement (e.g. advertised product) is included in FIG. 2, principally for the purposes of explaining the present invention. As used herein, the "context" for an advertisement can be based, at a minimum, upon (a) the geographic area where the advertisement is broadcast; and (b) a time interval during which the information pertaining to a particular advertisement is "active" or valid. Other factors may also define context, as described below.

Applicant sees no description in this portion of the specification that is related to the wireless device. In Col. 5, lines 3-10 *Mayer* states as follows:

... The calls are received in a PBX 131 (which may be a Definity® PBX available from AT&T Corp.) that includes an automatic call distributor (ACD) functionality, so that the audio portion of the calls can be delivered to the telephone 132 or headset of an available operator, and, if desired, information associated with the call and/or the caller can be delivered to and displayed on a processor 133.

In this section, the calls, after being processed through the routing system, are directed toward a processing center, i.e., a call distributor, for the purpose of being "handled." At this particular call processing center, there are no codes received. All that is received is a connection between the user and the advertiser location. There is no control signal that is "indicative of the first code and the second code" that is transmitted to a "wireless device." Applicant does not understand how the Examiner is interpreting the wireless device in this context, as the transaction processing center is basically a telephone call processing center that is typically hard wired through a public phone network or through a data network. However, Applicant does not see how this can be interpreted as being a wireless device and element (c) specifically requires that the control signals be sent to the wireless device. Applicant would appreciate some clarification in this matter, as Applicant sees no relationship of the specific language the Examiner pointed to and any suggestion that this limitation will be met by this description.

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The Examiner has next discussed limitations of elements (e) and (f), which are set forth as follows:

- e) receiving the first message packet at the intermediate location and extracting the first code and the second code therefrom;
- f) accessing a computer database from the intermediate location, the database including a plurality of routing information for remote locations on the computer network and a plurality of first codes and associating each of the routing information with at least one of the first codes, and retrieving the routing information associated with the first code received in the beacon signal;

The Element (e) is the operation of receiving a message back at the intermediate location and extracting from that message packet the first and second codes and then accessing a computer database from the intermediate location wherein the database includes a plurality of routing information associated with the remote locations and a relationship between the first codes and the routing information. The disclosure of *Mayer* specifically sets forth that there is a routing base (155) that contains the look-up table of Fig. 2. When a call is initiated, the call will go to the network (150). When this network receives a call, it automatically goes to the routing database to determine if the caller ID is associated with a particular location or terminating phone number. If so, then utilizing this caller ID and the relationship in the look-up table, a destination can be determined. This is in the form of the terminating telephone number. This is then routed to a processing center for connecting the user with that location. Thus, *Mayer* would disclose receiving something at the intermediate location but, there is no disclosure that the first code and second code are extracted from the received signal. All that is extracted from the receive signal at the network (150) is the caller ID number in Col. 220. Thus, the question is whether, in accordance with the claim language, a first code that was received in the beacon signal that was extracted therefrom and sent via a wireless device to the routing network for a look-up is found in *Mayer*. First, Applicant believes that there is no code or information that was extracted from the beacon signal that is transmitted to the network. This is merely a telephone call that connects to the network. Once connected, the network does not concern itself with what the destination number was, i.e., the number of the network; rather, all it cares about is the caller ID number. Further, this message must be transmitted from the wireless device (element (d) of the claim). In the Examiner's discussion of element (c), the Examiner referred to the transaction processing center as somehow involved or constituting a wireless device. However, that

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occurs after the routing and look-up operation. In Applicant's device, this message packet must be created by the wireless device and then sent back to the routing system. Applicant believes that there is no possible way that this could occur in *Mayer*. The Examiner has referred to Col. 7, lines 40-53 wherein the timing information is described in Col. 221 of Fig. 2. This particular language sets forth that this can be changed. However, the Applicant does not understand how the Examiner is utilizing this other than to show that there is a database that has a plurality of codes. As such, Applicant does not believe that the language pointed to by the Examiner or the disclosure of *Mayer* had any suggestion of this element in the context of the claim.

The next element the Examiner has discussed was element (h) of the claim. That element is set forth as follows:

h) transmitting, in response to receiving the reply packet, a second message packet from the wireless device to a remote location on the network using the routing information just received, thereby connecting the wireless device to the associated remote location.

The element refers to the operation where the reply packet was transmitted back to a wireless device, this being element (g). Once the reply packet is sent back, element (h) provides the operation wherein the wireless device is operable to transmit a second packet directly to the remote location on the network, i.e., the wireless device connects to the network. The Examiner has referred to the specification at Col. 8, lines 11-23 with respect to this operation. This language is set forth as follows:

... In the case of a message originated in the affiliated station 120, this is done by means of a data message sent from processor 121 via data network 153 and support system 154; in the case of a message originated from advertiser's transaction processing center 130, this is done by means of a data message sent from processor 133 via data network 153 and support system 154 to routing database 155. Note here that permission to alter specific fields in the table of FIG. 2 may be selectively managed. For example, authorization codes may be necessary to make changes, and the codes may be provided in messages sent by broadcast network 160 to affiliated station 120, and in messages sent by affiliated station 120 to particular advertisers.

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This language specifically refers to the operation wherein the transaction processing center modifies the database. Element (h) in Applicant's claim is the concept of a reply packet that has received from a wireless device in order to connect the wireless device to the remote location. There is no connection described in the specific language of Col. 8 that in any way connects the call processing center to the remote location. Again, Applicant does not understand what the Examiner is referring to as the wireless device in *Mayer*.

Applicant believes that it is very difficult to argue that *Mayer* discloses any limitations in the claim. The Examiner has only indicated that elements (b) and (g) were not disclosed in *Mayer*. These were directed toward the concepts of transmitting a message packet from a wireless device to an intermediate location on the network and element (g) directed toward transmitting a reply packet from the intermediate location back to a wireless network. Again, the first question is how does the Examiner interpret the term "wireless device." The Examiner is utilizing the *Ludwig* reference to disclose these two aspects of the invention. However, as Applicant has stated in a prior response, without further clarification of the *Mayer* reference, it is very difficult to argue why the combination of *Ludwig* and *Mayer* does not rise to an anticipatory or an obviating reference, as the disclosure in *Mayer* is not believed to disclose the elements set forth as being disclosed by the Examiner. Therefore, Applicant respectfully requests withdrawal of the U.S.C. § 103 rejection with respect to Claims 1-20.

The Examiner's response to Applicant's arguments will be described in some detail. Firstly, the Examiner has, in paragraphs 15 and 16, noted Applicant's argument with respect to the fact that Applicant argued that the prior art did not disclose the second code being transferred and that Applicant argued that the prior art did not disclose an automatic process without user intervention that allows codes (phone numbers in the Examiner's interpretation) to be transmitted to a wireless device (the wireless device then transmits the information to an intermediate location.) The Examiner has specifically referred to the language in the specification at Col. 5, lines 3-10, that refers to the PBX at the call processing center (130). Again, there is no telephone number that is directed over a beacon signal that is then extracted therefrom that is then transmitted to a wireless device. The first question is - does the transaction processing center constitute a

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wireless device? Applicant believes that there is no disclosure that it does constitute a wireless device. Even so, the telephone number that is extracted from the beacon is not sent to the call processing center. What is sent to the call processing center is the results of a work-up, i.e., the terminating telephone number. This is basically what is contained in the reply packet in element (g). Thus, Applicant believes that the call processing center would not constitute a wireless device, nor would there be any way to send information in the beacon signal to the call processing center. The Examiner is interpreting the first code as being phone numbers. However, the question is what phone numbers constitute the code. Are they the network telephone number or the destination number? If it is the destination number, this is the terminating number and this is not in the beacon. In fact, it is continually changed and, therefore, cannot be disposed within the beacon.

With respect to paragraph 17, the Examiner noted that Applicant argued that the prior art disclosed that there is no step of transmitting a reply packet from the intermediate location to a wireless device such that the wireless device then makes a connection. The Examiner referred to *Ludwig* as disclosing a GPRS gateway support node. However, as noted herein above, the reply packet must be sent from the intermediate location to the wireless device. The intermediate location in *Mayer* can be interpreted to be nothing more than the network (150), in Applicant's opinion. Thus, there must be some reply packet that is transmitted back to a wireless device. Again, the definition of "wireless device" must be determined before an adequate argument can be made on this point.

The Examiner has also noted Applicant's argument that the prior art did not disclose "no second code transmitted from the beacon unit that could be an attribute of the beacon unit." The Examiner argued that the device ID is associating with a subscriber number authorized by a care in link server as part of the procedures to activate the phone. However, the Examiner pointed to the language at Col. 7, beginning at line 61, which refers to nothing more than information in the look-up table. The look-up table is information that is accessed after information possibly might be extracted from the beacon signal. However, as noted herein above, there is no information extracted from the beacon signal that is transmitted to the intermediate location. What is transmitted is a caller ID. Thus, Applicant believes that the device ID cannot be the second code.

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Applicant has now made an earnest attempt in order to place this case in condition for allowance. For the reasons stated above, Applicant respectfully requests full allowance of the claims as amended. Please charge any additional fees or deficiencies in fees or credit any overpayment to Deposit Account No. 20-0780/PHLY-25,506 of HOWISON & ARNOTT, L.L.P.

Respectfully submitted,
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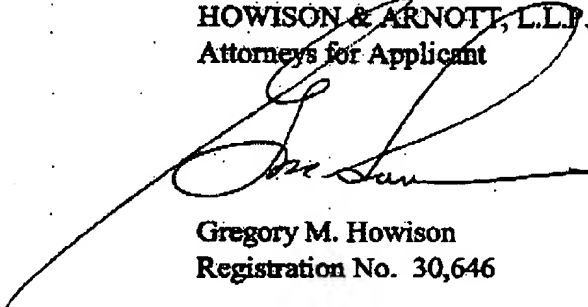
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